

Remarks

Status of Claims

Claims 1 and 3 have been amended. Claims 4 and 6-20 have been cancelled without prejudice or disclaimer. Upon entry of the foregoing amendment, claims 1-3 and 5 are pending.

Claim Amendments

Claims 1-3 and 5 been amended to correct a spelling error.

Double Patenting

U.S. Patent No. 6,110916

In the Office Action, mailed August 27, 2007, claims 1-3 and 5 were rejected under the judicially created doctrine of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1, 10-11 and 13 of U.S. Patent No. 6,110916.

With respect to the preceding nonstatutory obviousness-type double patenting rejections, the instant application was commonly owned with U.S. Pat. No. 6,110916 at the time the instant application was filed, and is currently commonly owned by the owner of U.S. Patent No. 6,110916. Thus, without conceding anything about the merits of this rejection, a Terminal Disclaimer which complies with 37 CFR 1.321(c) is submitted herewith to obviate the nonstatutory obviousness-type double patenting rejections. In view of the submitted Terminal Disclaimer, the Applicants respectfully request withdrawal of the nonstatutory obviousness-type double patenting rejections for claims 1-3 and 5 in their entirety.

Claim Rejections

35 U.S.C §112, Second Paragraph

In the Office Action, mailed August 27, 2007, claims 1-3 and 5 were rejected under 35 U.S.C §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant

regards as the invention. The Office Action asserts that claims 1(b) and 3 are indefinite because they recite “non-neighboring neighboring”. (Office Action, page 3).

The Applicants have herein amended claims 1 and 3 to correct the word repetition, and therefore respectfully request withdrawal of the rejection of claims 1-3 and 5 under 35 U.S.C §112, second paragraph.

Conclusion

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable, and their favorable reconsideration and allowance is respectfully requested. It is believed that a fee of \$130.00 is required for the filing of the Terminal disclaimer. No other fees are believed to be required with the submission of this response. However, if additional fees are due, or if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Patent Office is authorized to deduct any additional fees from, or deposit any overpayment to, Deposit Account 503994. Should the Examiner have any questions or comments as to the form, content or entry of this response, the Examiner is requested to contact the undersigned at the telephone number below.

Respectfully submitted,

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